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9
10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 SCOTT WOOD, CHARLES W. JUDSON,) Case No.: S-03-2592 DFL PAN
13 WILLIAM BATES, SYBILLE GROTE,)
14 MARTIN REEVES, ERNEST STEWART,) **STIPULATION AND [PROPOSED]**
15 STEVE FORSYTHE, ROBERT BADILLA,) **ORDER TO CONTINUE THE MATTER**
16 BRIAN THOMPSON, KARVIN) **FOLLOWING DECISION ON**
17 TILANDER, CHARLES ("CHUCK")) **PLAINTIFFS' MOTION FOR CLASS**
18 JENNINGS, LORENZO RAMIEREZ and) **CERTIFICATION**
19 MINDY GABRIEL on behalf of themselves)
and all others similarly situated,)
Plaintiff,) RELATED CASE: CIV S-03-2514 LKK JFM
v.)
GRANITE CONSTRUCTION COMPANY)
and FEDERAL INSURANCE COMPANY)
Defendants.)

)

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties herein, as
21 follows:

22 1. In August 2004, this Court heard oral argument on Plaintiffs' motion for class
23 certification. The parties completed supplemental briefing in September 2004. On March 14,
24 2005, the Court granted Plaintiffs' motion. On June 30, 2005, Plaintiffs' counsel submitted a
25 proposed class notification. On November 2, 2005, the Court approved the Order Providing for
Notice to the Class Action to Class Members as Required by Federal Rule of Civil Procedure,

1 Rule 23(C)(2)(B), the Election to be Excluded from the Class, the Order Granting Class
2 Certification and the Order Approving Class Counsel.

3 2. The Plaintiffs are in the process of locating and forwarding the Order Providing
4 for Notice to the Class Action to Class Members as Required by Federal Rule of Civil
5 Procedure, Rule 23(C)(2)(B), and the Election to be Excluded from the Class to all class
6 members.

7 3. Plaintiffs are also in the process of having the Order Providing for Notice to the
8 Class Action to Class Members as Required by Federal Rule of Civil Procedure, Rule
9 23(C)(2)(B), and the Election to be Excluded from the Class posted at their website, as directed
10 by said Order, which is located www.laborlawyer.net.

11 4. In March 2004, the Court issued a Status Order establishing the following dates:

12 a. Discovery to close March 15, 2005;
13 b. All dispositive motions to be filed by April 20, 2005;
14 c. Dispositive hearings scheduled for May 18, 2005;
15 d. The final pre-trial conference set for July 1, 2005; and
16 e. The trial scheduled to begin August 15, 2005.

17 5. On March 3, 2005, this Court extended the preceding dates and set the following
18 schedule:

19 a. Discovery to close June 13, 2005;
20 c. All dispositive motions to be filed by July 27, 2005;
21 c. Dispositive hearings scheduled for August 24, 2005;
22 d. The final pre-trial conference set for September 30, 2005; and
23 e. The trial scheduled to begin November 14, 2005.

24 6. On June 15, 2005, this Court extended the preceding dates and set the following
25 schedule:

a. Discovery to close September 12, 2005;
d. All dispositive motions to be filed by November 9, 2005;

- c. Dispositive hearings scheduled for December 7, 2005 at 10:00 a.m.;
- d. The final pre-trial conference set for January 25, 2006, commencing at 4:00 p.m.; and

e. The trial scheduled to begin March 6, 2006.

8. On September 28, 2005 this Court extended the preceding dates and set the following schedule:

- a. Discovery to close on December 8, 2005;
- b. All Dispositive motions to be filed by February 1, 2006
- c. Dispositive hearings scheduled for March 1, 2006
- d. The final pre-trial conference set for April 26, 2006; and
- e. The trial scheduled to begin June 5, 2006.

9. The parties hereby stipulate to and request that the Court grant an additional ninety (90) day extension for the parties to complete necessary discovery and to file any dispositive motions.

8. The parties further stipulate to and request that the Court continue the scheduled dispositive motion hearing, final pre-trial conference, and trial date by ninety (90) days to accommodate the revised discovery and dispositive motion schedule.

DATED:

DATED:

THIERMAN LAW FIRM

JACKSON LEWIS LLP

Mark R. Thierman
Attorney for Plaintiff

Scott Oborne
Attorney for Defendant

ORDER

IT IS HEREBY ORDERED as follows:

1. The pending December 8, 2005 deadline to complete discovery and the February 1, 2006 deadline to file dispositive motions are hereby extended for ninety (90) days. Discovery must be completed by March 8, 2006 and any dispositive motions must be filed by May 8, 2006.

2. To accommodate the revised discovery and dispositive motion deadlines, the hearing on any dispositive motion shall be extended to June 2, 2006, the final pre-trial conference shall be extended to July 26, 2006 at 4:00 P.M., and trial date shall be extended to September 4, 2006 at 8:30 a.m.

Dated: 11/21/2005

Jan. 17. (1911)

DAVID F. LEVI
United States District Judge

Respectfully submitted by:

THIERMAN LAW FIRM

By: _____

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